

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ALYSSON MILLS, IN HER CAPACITY
AS RECEIVER FOR ARTHUR LAMAR
ADAMS AND MADISON TIMBER
PROPERTIES, LLC,

Plaintiff,

v.

TRUSTMARK NATIONAL BANK; BENNIE
BUTTS; JUD WATKINS; SOUTHERN
BANCORP BANK; and RIVERHILLS BANK,

Defendants.

Case No. 3:19-cv-00941

Arising out of Case No. 3:18-cv-252,
*Securities and Exchange Commission v.
Arthur Lamar Adams and Madison
Timber Properties, LLC*

Hon. Carlton W. Reeves, District Judge

RECEIVER'S MOTION FOR LEAVE TO FILE RESPONSE

Alysson Mills, in her capacity as the court-appointed receiver for Arthur Lamar Adams and Madison Timber Properties, LLC (the “Receiver”), through undersigned counsel, respectfully moves for leave to file a very short response to the reply briefs filed by Defendants Jud Watkins [Doc. 58] and RiverHills Bank [Doc. 62].

Watkins and RiverHills are the first and only defendants in any of the Receiver’s cases to argue the U.S. Supreme Court’s opinion in *Caplin v. Marine Midland Grace Trust Co. of New York*, 406 U.S. 416 (U.S. 1972), stands for the proposition that a federal equity receiver cannot accept an assignment of claims.

Watkins and RiverHills made the argument (among others) for the first time in their reply briefs, meaning the Receiver did not have an opportunity to address it in her opposition to their motions.

The Receiver ordinarily would not attempt to file a response to a reply brief, but the Receiver feels it necessary to point out that *Caplin* is distinguishable for several reasons, the principal being that the plaintiff was a Chapter 10 bankruptcy trustee whose powers derived solely from the bankruptcy code. A copy of the Receiver's proposed response is attached.

The Receiver respectfully asks that under the circumstances the Court accept her proposed response and that it be deemed filed.

June 12, 2020

Respectfully submitted,

/s/ Lilli Evans Bass

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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of filing to all counsel of record.

Date: June 12, 2020

/s/ Kristen D. Amond